

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES R. BRADY,

Defendant.

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8:06CR54

ORDER

This matter is before the court on the motion to continue by defendant James R. Brady (Brady) (Filing No. 14). Brady seeks a continuance of the pretrial motion deadline and the trial of this matter. Brady's counsel represents that counsel for the government has no objection to the motion. Brady's counsel represents that Brady will submit an affidavit in accordance with paragraph 9 of the progression order whereby Brady consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Brady's motion to continue (Filing No. 14) is granted.
2. Brady is given until **on or before July 28, 2006**, in which to file pretrial motions pursuant to the progression order.
3. Trial of this matter is re-scheduled for **September 19, 2006**, before Judge Laurie Smith Camp and a jury.
4. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **June 9, 2006 and September 19, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).
5. The evidentiary hearing tentatively scheduled for 9:00 a.m. on June 23, 2006, is **canceled** and will be rescheduled, if necessary, following the filing of any pretrial motions in accordance with this order

DATED this 9th day of June, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge